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January 27, 2022

BY ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Hasani John
19-Cr-116 (KMW)
21cr134

Dear Judge Cote:

I am counsel for Defendant Hasani John. Mr. John is scheduled to be sentenced on February 3, 2022, at 2:30 p.m.. I move for leave to file the attached Sentencing Submission out of time and for leave to file additional letters in support of Mr. John. This submission was due on January 20, 2022, pursuant to the Court's Individual Rules. A draft was served on the Government on January 26, 2022.

Although Mr. John's guilty plea took place on October 29, 2021, his interview with Probation did not take place until December 10, 2021 (See, PSR ¶56), and I did not receive the first draft of the PSR until December 17, 2021. At the time, I was actively engaged in preparations for a complex two-week hearing in a commercial matter and that matter, scheduled to commence on January 4, 2022, was adjourned only on December 28, 2021, to late February 2022. Thus, although I timely mailed out a copy of the draft PSR to my client, we did not have an opportunity to discuss it during December 2021.

During the second week of January, I began drafting a submission on Mr. John's behalf for his review. Because communication with my incarcerated client is extremely hampered and limited as a result of the Omnicron variant's impact on the MDC, I wanted to be as productive as possible with the little time we had together on what is typically a staticky telephone line. I sought and obtained the Government's consent on January 19, 2022, to this one adjournment of Mr. John's sentencing and filed a letter motion on January 21, 2022.

When the Court denied the motion on January 24, 2022, I had no option but to finalize the attached submission without the benefit of the letters and information I was expecting from

SCOTT B. TULMAN & ASSOCIATES, PLLC

Letter to Hon. Denise L. Cote

January 27, 2022

Page 2

my client and his family. I have communicated with my client by email and his family and expect to receive letters shortly.

Accordingly, I move for leave to file this sentencing submission out of time and such additional information as I receive it from my client and his family prior to sentencing.

Respectfully submitted,



Scott B. Tulman

SBT:ss

cc: Christy Slavik, Esq. Assistant United States Attorney
Hasani John #16658-509

Granted.

Denise L. Cote
1/27/22